

# **EXHIBIT C**

**From:** Folly, Nicholas (USANYS) <Nicholas.Folly@usdoj.gov>  
**Sent:** Monday, November 11, 2019 9:22 PM  
**To:** Devlin-Brown, Arlo; DiMase, Christopher (USANYS); Lozano, Julieta (USANYS)  
**Cc:** David M. Garvin; Stanley, Katri A  
**Subject:** RE: disclosure requests

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**Flag Status:** Flagged

**[EXTERNAL]**

Arlo,

We've discussed this further and we will object to the admission of both emails. As to your second question, yes, if such information comes to our attention that has not been produced we will let you know.

Thanks,  
Nick

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**From:** Devlin-Brown, Arlo  
**Sent:** Monday, November 11, 2019 4:11 PM  
**To:** Folly, Nicholas (USANYS) ; DiMase, Christopher (USANYS) ; Lozano, Julieta (USANYS)  
**Cc:** David M. Garvin ; Stanley, Katri A  
**Subject:** RE: disclosure requests

Nick,

We'll also offer the other e-mail (attached, and will be marked as DX552). We're happy to redact portions not relating to present tense statements about traveling, but suspect you like the rest of the content. Please let us know your position on this and confirm, if it is in fact the case, that you will provide us with any information you identify tending to show that Irina was not in Sofia on the day in question.

Thanks, Arlo

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**From:** Folly, Nicholas (USANYS) <[Nicholas.Folly@usdoj.gov](mailto:Nicholas.Folly@usdoj.gov)>  
**Sent:** Monday, November 11, 2019 2:51 PM  
**To:** Devlin-Brown, Arlo <[adevlin-brown@cov.com](mailto:adevlin-brown@cov.com)>; DiMase, Christopher (USANYS) <[Christopher.DiMase@usdoj.gov](mailto:Christopher.DiMase@usdoj.gov)>; Lozano, Julieta (USANYS) <[Julieta.Lozano@usdoj.gov](mailto:Julieta.Lozano@usdoj.gov)>  
**Cc:** David M. Garvin <[ontrial2@gmail.com](mailto:ontrial2@gmail.com)>; Stanley, Katri A <[KStanley@cov.com](mailto:KStanley@cov.com)>  
**Subject:** RE: disclosure requests

**[EXTERNAL]**

Arlo,

Please see our response below.

- In response to your request, we have produced screenshots of the power of attorney that was found on Ignatov's computer (the computer as you know, was not seized). As to additional *Giglio* information for Irina Dilkinska, we note that we have previously produced to you, among many other materials, all of the proffer

notes of Armenta, Ignatov, and Greenwood. We have also produced to you their various cellphones and electronic devices. We have furthermore produced to you the email accounts of Armenta and Greenwood (and of course Mark Scott). We have also made certain other materials available to you, including the emails of other custodians. We are not aware of other materials in our possession besides those referenced herein that would contain additional *Giglio* material for Irina Dilkinska.

- We do not continue to oppose the admission of DX 550.
- Mr. Spendiff is aware of press reports related to the Apex Fund Services (US) settlement with the SEC in June 2016. He believes he may have heard of the settlement at the time, but is not certain. The Apex Fund Services (US) settlement did not relate in any way to Apex Fund Services (UK) Ltd. operations and had no bearing on Apex Fund Services (UK) Ltd.'s decision to conduct enhanced due diligence related to the Fenero funds.

Best,  
Nick

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**From:** Devlin-Brown, Arlo <[adevlin-brown@cov.com](mailto:adevlin-brown@cov.com)>  
**Sent:** Sunday, November 10, 2019 5:08 PM  
**To:** DiMase, Christopher (USANYS) <[CDiMase@usa.doj.gov](mailto:CDiMase@usa.doj.gov)>; Folly, Nicholas (USANYS) <[NFolly@usa.doj.gov](mailto:NFolly@usa.doj.gov)>; Lozano, Julieta (USANYS) <[JLozano@usa.doj.gov](mailto:JLozano@usa.doj.gov)>  
**Cc:** David M. Garvin <[ontrial2@gmail.com](mailto:ontrial2@gmail.com)>; Stanley, Katri A <[KStanley@cov.com](mailto:KStanley@cov.com)>  
**Subject:** disclosure requests

Chris, Nick and Julieta,

Based on the testimony in the first week of trial, we have the following disclosure requests:

- Konstantin Ignatov testified that Irina Dilkinska was dishonest and had, in his view, forged one if not two power of attorney documents. As you know, *Giglio* information should be provided for co-conspirators whose statements are admitted at trial whether or not the co-conspirator is called as a witness. We therefore request copies of the power of attorney documents if they have not been provided as well as any information relating to her credibility or integrity.
- We believe that Ignatov testified inaccurately (putting aside his intent) with respect to Irina's presence at the meeting with Ruja on July 20, 2016. I am attaching two e-mails (one of which we previously marked as a DX) that tend to indicate Irina was not in Sofia. We found these by running searches in the discovery. To the extent you have any additional material that may reflect Irina's schedule, travel or whereabouts we ask that you search such records and identify anything tending to show that Ignatov did not testify accurately on this subject. Also, please let us know if you continue to oppose admission of DX550.
- At the end of the day on Friday, in connection with preclusion of cross on Spendiff regarding SEC enforcement action, it was represented that Spendiff was aware of this generally from the press but it had no bearing on the decision to conduct enhanced DD on the Fenero funds. We ask that you disclose any statements made by Spendiff or Apex o (or attorneys for either) on this topic.

Please let us know your position so we can make an application to the Court on any issues.

Many thanks,

Arlo